

PTO/SB/21 (03-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
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FORM**

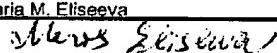
(to be used for all correspondence after initial filing)

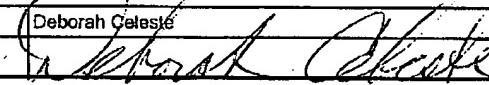
Total Number of Pages in This Submission

13

Application Number	09/681,014
Filing Date	November 20, 2000
First Named Inventor	Joachim Bradl
Art Unit	Unknown
Examiner Name	Unknown

Attorney Docket Number 21295.15

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		
<b>RECEIVED</b> <b>CENTRAL FAX CENTER</b> <b>NOV 24 2003</b> <b>OFFICIAL</b>		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual	Maria M. Eliseeva	
Signature		
Date	November 24, 2003	

**CERTIFICATE OF TRANSMISSION/MAILING**I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: November 24, 2003Typed or printed Deborah CelesteSignature 

Date November 24, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Attorney Docket No: 21295.15

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re:	Joachim Bradl, Rafael Storz, Johann Engelhardt and Holger Birk	Confirmation No:	4687
Serial No:	09/681,014	Group:	Unknown
Filed:	November 20, 2000	Examiner:	Unknown
For:	Apparatus For Beam Deflection		

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being facsimile transmitted on the date shown below to 703-872-9306 addressed to: Mail Stop Petitions, Commissioner for Patents, Alexandria, VA 22313-1450 on:

By:

Date

VIA FACSIMILE 703-872-9306  
 Mail Stop Petitions  
 Commissioner for Patents  
 Alexandria, VA 22313-1450

**RECEIVED**

FEB 13 2004

TECHNOLOGY CENTER 2800

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT CENTER BASED ON FAILURE TO RECEIVE OFFICE ACTION (MPEP 711.03(c))**

Sir:

Our office, which represents the Applicant in the above-referenced case, received a Notice of Abandonment mailed on October 28, 2003. The Notice of Abandonment said that the application went abandoned for failure to timely or properly reply to the Notice of Missing Parts mailed on July 15, 2002.

The mentioned Notice of Missing Parts has never been received in this application. We searched the file jacket and verified all the docket entries, and nowhere in those records could a copy of the above-mentioned Notice of Missing parts be found. In fact, we became concerned with receiving no communication at all from the Patent Office in this case for a long time. Therefore, two status inquiry letters were sent to the Patent Office, as is evidence from the enclosed copies. No communication at all was received from the Patent Office until the above-referenced Notice of Abandonment came in.

As a practitioner responsible for this case, I attest to the facts enumerated in this petition and state that no Patent Office's communication to which a reply was due has been

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CENTRAL FAX CENTER  
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OFFICIAL

Application Serial No: 09/681,014  
Filed: November 20, 2000  
Group Art Unit: Unknown

received in this case. A copy of the docket sheet of April 17, 2003 and June 9, 2003, where the entries of the Notice of Missing Parts would have been listed, had it been received in this case, is enclosed with this petition.

Moreover, our office has not been able to track the entries in this file in PAIR, because despite our request to associate this case with our customer number, that has not been done by the Office. On May 8, 2003, we filed a Revocation and Grant of Power of Attorney, signed by the Assignee of the above-referenced application, which included Serial Number 09/681,014. A copy of the filed Revocation and Grant of Power of Attorney and the first page of Appendix A is enclosed with the petition. Additionally, in accordance with the established EBC procedure for a customer number upload, our office sent to the EBC a diskette with an Excel spreadsheet, listing Serial number 09/681,014 on June 3, 2003 (line 19 in the enclosed copy of the Transmittal of Customer No. Diskette. Other entries in the spread sheet have been blocked out for client confidentiality purposes). For the reasons unknown to us, Serial Number 09/681,014 has not been uploaded, because we cannot see it in PAIR under our customer number. Therefore, this office could not have found out that the above-referenced Notice of Missing Parts had ever been mailed in the application.

Therefore, Applicant respectfully requests that the Office withdraw its Notice of Abandonment mailed on October 28, 2003, and send the undersigned a copy of the Notice of Missing Parts for submitting a response.

If there are any questions or concerns associated with the present petition, please contact the undersigned at the phone number provided below.

It is believed that no fee is due with this petition. If a fee is due, authorization is given to charge our deposit account 50-2233.

Respectfully submitted,

HOUSTON ELISEEVA LLP

By: Maria Eliseeva  
Maria Eliseeva, Reg. No. 43,328  
4 Militia Drive, Suite 4  
Lexington, MA 02421  
Phone: 781-863-9991  
Fax: 781-863-9931

Dated: November 24, 2003  
Enclosures



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/681,014	11/20/2000	Joachim Bradl	21295

CONFIRMATION NO. 4687  
**ABANDONMENT/TERMINATION  
 LETTER**



\*OC000000011119108\*

Maria M. Eliseeva  
 Houston Eliseeva  
 4 Militia Drive, Suite 4  
 Lexington, MA 02421

Date Mailed: 10/28/2003

**NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)**

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 07/15/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice MUST be returned with the reply.*

*M. Young*  
 Customer Service Center  
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**Country Application**

Thursday, April 17, 2003 Page: 19

Case Number: 21295/15

Country: US

SubCase:

Client: Leica Microsystems, Inc.

United States of America

Patsy Ref #: 21295/15-US

Application Status: PENDING

Case Type: ORD

Filing Date: 20-Nov-2000

Application Number: 09/681,014

Publication Date:

Publication Number:

Issue Date:

Patent Number:

Parent/PCT Number:

Parent/PCT Date :

Parent Issue Number:

Parent Issue Date :

Tax Schedule: LE

Expiration Date:

Confirmation #:

Patent Term Adjustment: 0

Agent: US02

Agent Reference #:

Brown, Rudnick et al.

Remarks: Mail Date: 11/20/2000

Related: 21295/15-DE

**List Of Actions**

Action(s) Due	Due Date		Action Taken
ASSIGNMENT RECORD	20-Feb-2001	Due Date	02-Aug-2001
ASSIGNMENT RECORD FINAL	20-Feb-2001	Final	02-Aug-2001
Certi. Copy due	20-Feb-2001	Due Date	11-Nov-1111
Certi. Copy due FINAL	20-Feb-2001	Final	11-Nov-1111
INF DISCLOSURE STMT	20-Feb-2001	Due Date	04-Jan-2001
INF DISCLOSURE STMT FINAL	20-Feb-2001	Final	04-Jan-2001
PUBLICATION	24-May-2001	Due Date	11-Nov-1111
PUBLICATION FINAL	24-May-2001	Final	11-Nov-1111
STATUS CHECK	20-Nov-2001	Due Date	28-Nov-2001
STATUS CHECK FINAL	20-Nov-2001	Final	28-Nov-2001
STATUS CHECK	28-May-2002	Due Date	23-May-2002
STATUS CHECK FINAL	28-May-2002	Final	23-May-2002
STATUS CHECK	23-Nov-2002	Due Date	
STATUS CHECK FINAL	23-Nov-2002	Final	

**Country Application**

Thursday, April 17, 2003      Page: 20

User ID: JEK

Date Created: 30-Apr-2001

Last Update: 24-May-2002

**Country Application**

Monday, June 09, 2003

<b>Case Number:</b> 21295.15	<b>Country:</b> US	<b>SubCase:</b> 1
<b>Client:</b> Leica Microsystems Wetzlar GmbH		<b>United States of America</b>
<b>Case Type:</b> ORD		<b>Application Status:</b> Pending
<b>Application Number:</b> 09/681,014		<b>Filing Date:</b> 20-Nov-2000
<b>Publication Number:</b>		<b>Publication Date:</b>
<b>Patent Number:</b>		<b>Issue Date:</b>
<b>Parent/PCT Number:</b> DE19956439.6		<b>Parent/PCT Date :</b> 24-Nov-1999
<b>Parent Issue Number:</b>		<b>Parent Issue Date :</b>
<b>Agent:</b>		<b>Expiration Date:</b>
<b>Agent Reference No.:</b>		<b>PTA:</b> 0
<b>Tax Schedule:</b> LE		
<b>Confirmation #:</b>		

**Remarks:**

**List Of Actions**

Action(s) Due	Due Date	Action Taken
1st Foreign Filing Reminder	24-Sep-2000	Reminder
2nd Foreign Filing Reminder	24-Oct-2000	Due Date
Foreign Filing Due	24-Nov-2000	Final
U.S. Filing Follow-Up	20-Dec-2000	Due Date
File Formal Drawings	20-Feb-2001	Due Date
Information Disclosure Stmt	20-Feb-2001	Due Date
Application Status Check	20-May-2002	Due Date
Status Check	20-Dec-2003	Due Date

**User ID:** tempadmin  
**Date Created:** 09-Jun-2003  
**Last Update:** 09-Jun-2003

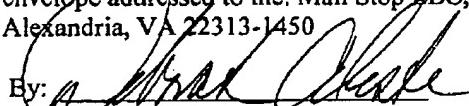
## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

June 3, 2003

Mail Stop EBC  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

\*\*\*\*\*  
CERTIFICATE OF MAILING

I hereby certify that this paper and attached diskette is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Mail Stop EBC, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By:   
Deborah Celeste

June 3, 2003

Date

\*\*\*\*\*  
TRANSMITTAL OF CUSTOMER NO. DISKETTE

Sir:

Enclosed is a diskette containing application serial numbers to be uploaded to PAIR in connection with Customer No. 29127.

Respectfully submitted,

By:



Maria Eliseeva, Reg. No. 43,328  
Customer No. 29127  
Houston Eliseeva  
4 Militia Drive, Ste. 4  
Lexington, MA 02421  
Tel: 781-863-9991  
Fax: 781-863-9993

	A	B	C	D	E	F	G	H
1	Customer:	29127						
2								
3	Houston Eliseeva							
4	4 Milita Drive							
5	Suite 4							
6	Lexington, Massachusetts 02421							
7	Marla M.	Eliseeva	43,328					
8	J. Grant	Houston	35,900					
9	Tel: 781-863-9991							
10	Fax: 781-863-9931							
11								
12	Patent Number	Application Number	Patent Date	Filing Date	Correspondence Address	Practitioner of Record	Fee Address	
13			mm/dd/yy	mm/dd/yy	yes/no	yes/no	yes/no	
14	(7 Digits w/o ",")	(8 digit w/o "/" or ",")						
15								
16	6444971	✓ 9376649	9/3/2002	12/31/1999	Yes	Yes	Yes	
17	6525876	✓ 9678129	2/25/2003	10/4/2000	Yes	Yes	Yes	
18		✓		11/15/2000	Yes	Yes	Yes	
19	→	9681014		11/20/2000	Yes	Yes	Yes	
20				11/28/2000	Yes	Yes	Yes	
21	6545765		4/8/2003	11/8/2000	Yes	Yes	Yes	
22				12/10/2000	Yes	Yes	Yes	
23	6423960		7/23/2002	12/31/1999	Yes	Yes	Yes	
24				5/18/2001	Yes	Yes	Yes	
25				1/10/2001	Yes	Yes	Yes	
26				2/14/2001	Yes	Yes	Yes	
27				4/3/2001	Yes	Yes	Yes	
28				4/5/2001	Yes	Yes	Yes	
29	6347458		2/19/2002	12/16/1999	Yes	Yes	Yes	
30				12/31/1999	Yes	Yes	Yes	
31				3/3/2003	Yes	Yes	Yes	
32	6559458		5/6/2003	1/4/2001	Yes	Yes	Yes	
33				6/26/2001	Yes	Yes	Yes	
34				8/2/2001	Yes	Yes	Yes	
35				8/21/2001	Yes	Yes	Yes	
36				2/6/2002	Yes	Yes	Yes	
37				2/15/2002	Yes	Yes	Yes	
38				2/20/2002	Yes	Yes	Yes	
39				3/13/2002	Yes	Yes	Yes	
40				8/2/2002	Yes	Yes	Yes	
41				8/7/2002	Yes	Yes	Yes	
42				3/20/2003	Yes	Yes	Yes	
43				2/5/2002	Yes	Yes	Yes	
44				1/9/2002	Yes	Yes	Yes	
45				1/9/2002	Yes	Yes	Yes	
46				1/13/2002	Yes	Yes	Yes	
47				1/22/2002	Yes	Yes	Yes	
48				8/6/2002	Yes	Yes	Yes	
49				3/3/2003	Yes	Yes	Yes	
50				6/19/2002	Yes	Yes	Yes	
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53				3/29/2002	No	Yes	Yes	
54				6/20/2001	Yes	Yes	Yes	
55				10/9/2000	Yes	Yes	Yes	
56				2/5/2001	Yes	Yes	Yes	
57				4/3/2001	Yes	Yes	Yes	
58				8/4/2000	Yes	Yes	Yes	
59				11/2/2000	Yes	Yes	Yes	
60				7/31/2001	Yes	Yes	Yes	
61				6/20/2002	Yes	Yes	Yes	

## USPTO Transmittal

Atty. Initials: MME/dlc

Attorney Docket Nos: 21295; 22475; 21299

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon. Kindly acknowledge receipt by date stamping and placing this card in the outgoing mail.

Applicant(s): See Appendix A

Mail Date: May 8, 2003

Filed: See Appendix A

Title: See Appendix A

X Transmittal LetterX Three Revocations and Grants of Power of Attorney with Appendix A attached

Houston Eliseeva  
Patents · Trademarks · Copyrights  
4 Militia Drive, Suite 4  
Lexington, Massachusetts 02421  
United States of America

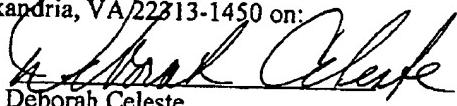
## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

May 7, 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

\*\*\*\*\*  
CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, Alexandria, VA 22313-1450 on:

By:  Deborah Celeste

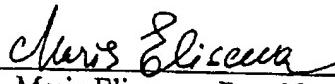
Date

\*\*\*\*\*  
TRANSMITTAL OF REVOCATION AND GRANT OF POWER OF ATTORNEY

Sir:

Enclosed for filing are three Revocations and Grants of Power Attorney to be entered in each application identified on Appendix A as attached to each Power of Attorney.

Respectfully submitted,

By:   
Maria Eliseeva, Reg. No. 43,328

J. Grant Houston  
Maria M. Eliseeva  
e-mail: maria@houstonelis.com  
tel. 781 863 9991  
fax 781 863 9931  
admitted to N.Y. and D.C. bars only

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
REVOCATION AND GRANT OF POWER OF ATTORNEY

Docket No. 21295

Serial No.: See Appendix A

Name of Assignee: Leica Microsystems  
Address: AM Friedensplatz 3  
D-68165 Mannheim  
Germany

TO THE ASSISTANT COMMISSIONER FOR PATENTS

Honorable Sir:

I hereby state that I am authorized to act on behalf of the assignee, Leica Microsystems, as Director of Corporate Patents Trademark Dept. and state that it is the assignee of the entire right, title, and interest of all patent applications listed in the attached Appendix A.

I hereby appoint:

Maria M. Eliseeva                    Reg. No. 43,328  
J. Grant Houston                    Reg. No. 35,900

under Customer No. 29127 and of the firm:

Houston Eliseeva  
4 Militia Drive, Suite 4  
Lexington, MA 02421

as attorneys to prosecute the applications as listed on Appendix A, to transact all business in the U.S. Patent and Trademark Office and any other Industrial Property protection office in any other country connected with all patent applications as listed on Appendix A. Applicant hereby revokes all other previous powers of attorney associated with the applications as listed on Appendix A.

Please direct all future correspondence to the principal attorney of record as:

Maria M. Eliseeva  
Houston Eliseeva  
4 Militia Drive, Suite 4  
Lexington, MA 02421

Leica Microsystems

By: \_\_\_\_\_

  
Dr. Werner Reichert, Director  
Corporate Patents Trademark Dept.

Dated: May 107/03

Sheet 1 of 4

## APPENDIX A

<u>Title</u>	<u>Serial/Patent Number</u>	<u>Filing/Issue Date</u>	<u>Assignment Recorded Reel/Frame</u>
Method and System for Compensating Intensity Fluctuations of an Illumination System in a Confocal Microscope	09/476,649 6,444,971	December 31, 1999 September 3, 2002	May 2, 2000 010792/0814
Apparatus for Changing Objective Lenses In a Microscope	09/678,129 6,525,876	October 4, 2000 February 25, 2003	Jan. 26, 2001 011473/0806
Apparatus for Optical Scanning of Multiple Specimens		November 15, 2000	
Apparatus for Beam Deflection	09/681,014	November 20, 2000	May 10, 2001 011792/0248
Method for Optical - Light Scanning of A Specimen; and Scanning Microscope For Scanning a Specimen		November 28, 2000	
Method and Apparatus for Measuring Thickness of Transparent Film	09/708,778 6,545,765	November 8, 2000 April 8, 2003	June 4, 2001 011863/0987
Microscope and Method for Analyzing Acquired Scan Data		December 10, 2000	
Method and System for Processing Scan-Data from a Confocal Microscope	09/476,589 6,423,960	December 31, 1999 July 23, 2002	Dec. 31, 1999 010496/0608